

**U.S. Department of the Interior
Bureau of Land Management (BLM)**

Twin Falls District
Burley Field Office
15 East 200 South
Burley, Idaho 83318

**Worksheet
Determination of NEPA Adequacy (DNA)**

NEPA No. ID-220-2009-DNA-3618

BLM Office: Burley **Lease/Serial/Case File No.:** IDI-23750-04.

Proposed Action Title/Type: Oakley Highway District (Marion/Trout Pit) Free use Permit Renewal.

Location of Proposed Action: Approx. one mile north of Marion Siding (North of Oakley).
Applicant (if any): Oakley Highway District.

A. Description of the Proposed Action

Authorize a ten year Free Use Permit to the Oakley Highway District for the removal of up to 50,000 cubic yards of sand and gravel to be used for road maintenance and construction in the Oakley area.

B. Land Use Plan (LUP) Conformance

Land Use Plan Name: Cassia Resource Management Plan (RMP). Date Approved/Amended: January 24, 1985.

The proposed action is in conformance with the Cassia RMP because it is specifically provided for in the following LUP decision(s):

The following statements are listed on page 6 of the Cassia RMP:

A. Geology, Energy and Minerals Management

“BLM will manage geological, energy and minerals resources on the public lands. Geological resources will be managed so that significant scientific, recreational and educational values will be maintained or enhanced. Generally, the public lands are available for exploration and development, subject to applicable regulations and federal and State law.”

C. Leasing and Sale

“Energy and minerals leasing/sale is discretionary. Approval of an application for lease or sale is subject to an environmental analysis and may include stipulations to protect other resources. Generally, the public lands may be considered for energy and minerals leasing/sale.”

C. Identify the applicable National Environmental Policy Act (NEPA) document(s) and other related documents that cover the proposed action.

Cassia RMP Environmental Impact Statement, May 1984.
Environmental Assessment (ID-020-95-038); Decision Record and Finding of No Significant Impact, signed February 1, 1995. This EA analyzed the impacts, specifically, of the Free Use Permit authorized and assigned to the Oakley Highway District - Marion/Trout site for April 1995 through April 2005. That 10-year permit authorized the removal of 100,000 tons (~80,000 cubic yards) of material from the site.

During the EA, full clearances were given for endangered or threatened plants/animals as well as for cultural resources.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA document(s)? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA document(s)? If there are differences, can you explain why they are not substantial?

Yes. The proposed action is a feature of (is the same as) the preferred alternative analyzed in the EA done for this site in 1995. This proposed action involves less material to be removed over a ten-year period (50,000 cubic yards compared to 80,000 cubic yards).

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, resource values, and circumstances?

Yes. The alternatives analyzed in the EA were either the preferred alternative, whereby 100,000 tons (~80,000 cubic yards) of mineral material was to be removed over a 10-year period; or a no-action alternative, whereby the permit previously issued to Oakley Highway District would not be renewed and the site would be reclaimed.

3. Is the existing analysis valid in light of any new information or circumstances (such as rangeland health standard assessment, recent endangered species listings, or updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

Yes. The existing analysis remains valid for this project. Burley BLM personnel, a wildlife biologist and botanist have reviewed the clearances done for threatened or endangered/sensitive plants and animals for the 1995 EA and have determined them to remain valid for the proposed action. In addition, mitigation for nesting migratory birds, in compliance with the Migratory Bird Treaty Act, is included in the FUP stipulations. The cultural resource clearance that was provided in 1995, based on a cultural resource inventory done in 1980, still remains valid. No cultural resources have been found at the 40-acre Marion pit site.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA document?

Yes. From the time that the previous FUP was authorized to the present, the Oakley Highway District has removed only 4100 cubic yards of mineral materials compared to the estimated 80,000 cubic yards that were authorized. The authorization of the proposed action requiring 50,000 cubic yards of material to be removed will still not exceed the 80,000 cubic yards of materials that were authorized in the EA. There has not been any additional gravel pits opened up in the area on public lands since 1995.

5. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action?

Yes. The scoping that was done in 1995 for the EA is adequate for the proposed action.

E. Persons/Agencies/BLM Staff Consulted

Name	Title	Date Reviewed	Reviewer's Initials	Resource/Agency Represented
Jeremy Bisson	Wildlife Biologist	3/20/2009	/s/ JRB	Wildlife
Jim Tharp	Natural Resource Specialist/AFOM	3/24/2009	/s/ JT	Botany
Suzann Henrikson	Archaeologist	3/25/2009	/s/ SH	Cultural Resources
Nancy Ady	Rangeland Mgmt. Specialist	3/20/2009	/s/ NA	Range
Scott Sayer	Rangeland Mgmt. Specialist	3/25/2009	/s/ SS	Range
Valerie Lenhartzen	Geologist	3/03/2009	/s/ VJL	Minerals
Ryan Berlin	Range Technician, ES&R/Weeds	3/25/2009	/s/ RB	Weeds
Katherine Farrell	Planning and Environmental Coordinator	4/13/2009	/s/ KF	NEPA

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the Cassia Resource Management Plan and that the existing NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

<u>/s/ Valerie J. Lenhartzen</u>	<u>4/22/2009</u>
Valerie J. Lenhartzen, Project Lead	Date

<u>/s/ Jim Tharp (for)</u>	<u>4/22/2009</u>
Michael Courtney, Field Office Manager	Date